



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/518,912

12/23/2004

Francisca Llabres

47092.00107

7682

32294

7590

09/14/2009

SQUIRE, SANDERS & DEMPSEY L.L.P.  
8000 TOWERS CRESCENT DRIVE  
14TH FLOOR  
VIENNA, VA 22182-6212

EXAMINER

RUTKOWSKI, JEFFREY M

ART UNIT

PAPER NUMBER

2416

MAIL DATE

DELIVERY MODE

09/14/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## DETAILED ACTION

**Claims 1-35 and 70** have been cancelled.

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 66-69** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not adequately describe the structure that corresponds to first and second call control units.
3. **Claim 72** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The original specification does not adequately describe the structure that corresponds to the claimed means.
4. **Claims 66-69 and 72** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. For **claims 66-69**, it is not clear what is meant by a first call control unit and a second call control unit.

Art Unit: 2416

6. For **claim 72**, it is not clear what is meant by an establishing means and a switching means.

*Allowable Subject Matter*

7. **Claims 36-65 and 71** are allowed.

*Response to Arguments*

8. The arguments with respect to the specification being enabling and definite for a first and a second call control units are not persuasive because the cited portion of the specification (page 6 lines 10-13) describes what is considered to be a network element (apparatus). The cited portion does not describe the structure that corresponds to the call control units that are connected to first and second interfaces.

9. The arguments with respect to the specification being definite for an establishing means and a switching means are not persuasive. The CAFC has held that "...providing specificity as to structure [cannot be avoided] simply because someone of ordinary skill in art would be able to devise means to perform claimed function." *Blackboard Inc. v. Desire2Learn Inc.*, 91 USPQ2d 1481 (Fed. Cir. 2009).

10. The arguments with respect to the specification being enabling for an establishing means and a switching means are not persuasive. The Applicant has not factually demonstrated the disclosure is sufficient because the cited portion of the disclosure does not describe the structure that corresponds to the call control units that are connected to first and second interfaces.

Applicant's arguments filed 06/10/2009 have been fully considered but they are not persuasive, for the reasons stated above.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY M. RUTKOWSKI whose telephone number is (571)270-1215. The examiner can normally be reached on Monday - Friday 7:30-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kwang Yao can be reached on (571) 272-3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/518,912

Page 5

Art Unit: 2416

/Jeffrey M Rutkowski/  
Examiner, Art Unit 2416

/KWANG B. YAO/  
Supervisory Patent Examiner, Art Unit 2416